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Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 31, 2008

TO: Persons on the attached mailing list.

RE: Waco Composites I, LTD.
TCEQ Air Quality Permit No. 80500

Decision of the Executive Director..

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter is a copy of the Executive Director's Response to Comments. A copy of the complete application, draft permit and related documents, including public comments, is available for review at the TCEQ Central office. A copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at TCEQ Waco Regional Office, and the R.B. Hoover Public Library, 1428 Wooded Acres Drive, Waco, McLennan County, Texas. The facility's Compliance file, if any exists, is available for public review at the Texas Commission on Environmental Quality Waco Regional Office, 6801 Sanger Avenue, Suite 2500, Waco, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. A brief description of the procedures for these two requests follows.

How To Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) If the request is made by a group or association, the request must identify:
 - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group; and
 - (B) one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

Your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities. A person who may be affected by emissions of air contaminants from the facility is entitled to request a contested case hearing.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application. The request must be based on issues that were raised during the comment period. The request cannot be based solely on issues raised in comments that have been withdrawn. The enclosed Response to Comments will allow you to determine the issues that were raised during the comment period and whether all comments raising an issue have been withdrawn. The public comments filed for this application are available for review and copying at the Chief Clerk's office at the address below.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to comments that you dispute; and 2) the factual basis of the dispute. In addition, you should list, to the extent possible, any disputed issues of law or policy.

How To Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be in writing and must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter: You should submit your request to the following address:

LaDonna Castañuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

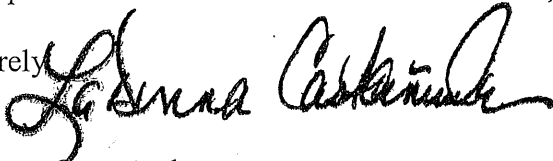
Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the alternative dispute resolution director and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Office of Public Assistance, Toll Free, at 1-800-687-4040.

Sincerely,



LaDonna Castañuela
Chief Clerk

LDC/ka

Enclosures

MAILING LIST
for
Waco Composites I, LTD.
Permit No. 80500

FOR THE APPLICANT:

Wayne C. Hampton, President
Waco Composites I Ltd
302 South 27th Street
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INTERESTED PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR:

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FOR OFFICE OF PUBLIC ASSISTANCE:

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FOR PUBLIC INTEREST COUNSEL:

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TCEQ AIR QUALITY PERMIT NO. 80500

2008 MAR 26 PM 3:34

APPLICATION BY	§	BEFORE THE	CHIEF CLERKS OFFICE
	§		
WACO COMPOSITES I, LTD.	§	TEXAS COMMISSION ON	
	§		
WACO, McLENNAN COUNTY	§	ENVIRONMENTAL QUALITY	

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the request to issue Air Quality Permit No. 80500 filed by Waco Composites I, Ltd. (Applicant), and Executive Director's preliminary decision.

As required by Title 30 Texas Administrative Code § 55.156 [30 TAC § 55.156], before an application is approved, the ED prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk timely received comment letters from the following persons: Chris & Andy McSwain, Ron Henderson, R.E. Henderson and Co., Inc., Charlotte Henderson, Margie Abbott, Dr. Robert Grayson, Karina Deaver, John Lewis, Phillip Hering, Deedie Hering, Karen LiBassi, Patricia & Raymond Bailey, David Heddy, Michael LiBassi, Dr. Joyce Jones, Kate Groetzinger, Mary Darden, and Robert Darden. This Response addresses all timely public comments received, whether or not withdrawn. If you need more information about this permit application or the permitting process please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.state.tx.us.

BACKGROUND

Description of Facility

The Applicant has applied to the TCEQ for an Air Quality Permit, Registration No. 80500, which would authorize the construction of the Waco Composites Plant No. 2 located at 302 South 27th Street, Waco, McLennan County, Texas. The Waco Composites Plant No. 2 manufactures fiberglass reinforced plastic (FRP) armor plates that are used for military purposes. Contaminants authorized under this permit include organic compounds including, but not limited to, styrene, 2-butoxyethanol, nonylphenoxy polyethoxy ethanol, dimethyl glutarate, dimethyl succinate, and dimethyl adipate.

Procedural Background

Before work is begun on the construction of a new facility or a modification of an existing facility that may emit air contaminants, the person planning the construction or modification must obtain a permit or permit amendment from the commission. This permit application is for an initial issuance. The permit application was received on December 4, 2006 and declared

administratively complete on February 28, 2007. The Notice of Receipt and Intent to Obtain an Air Quality Permit (public notice) for this permit application was published on March 21, 2007 in the *Waco Tribune-Herald*. Alternative Language Notice was published March 21, 2007 in the *Tiempo*. The Notice of Application and Preliminary Decision was published on December 11, 2007 in the *Waco Tribune-Herald*. Alternative Language Notice was published December 12, 2007 in the *Tiempo*. The public comment period ended on January 11, 2008. Since this application was administratively complete after September 1, 1999, this action is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

COMMENTS AND RESPONSES

COMMENT 1: Commenters are concerned about health impacts from air emissions from the proposed facility on: human health (Chris & Andy McSwain, Ron Henderson, R.E. Henderson and Co., Inc., Charlotte Henderson, Margie Abbott, Dr. Robert Grayson, Karina Deaver, John Lewis, Phillip Hering, Deedie Hering, Karen LiBassi, Michael LiBassi, Patricia & Raymond Bailey, David Heddy, Dr. Joyce Jones, Kate Groetzinger, Mary Darden, Robert Darden), employees (R.E. Henderson and Co., Inc.), children (Chris & Andy McSwain, Ron Henderson, R.E. Henderson and Co., Inc., Charlotte Henderson, Karina Deaver, Phillip Hering, Deedie Hering), nearby residents (Dr. Robert Grayson), the elderly (Phillip Hering, Deedie Hering), family (Karen LiBassi, Michael LiBassi, Patricia & Raymond Bailey, Dr. Joyce Jones), and customers (Michael LiBassi).

Commenters are concerned that air quality would be negatively affected by the facility. (Chris & Andy McSwain, Ron Henderson, R.E. Henderson and Co., Inc., Charlotte Henderson, Margie Abbott, Dr. Robert Grayson, Karina Deaver, John Lewis, Phillip Hering, Deedie Hering, Karen LiBassi, Michael LiBassi, Patricia & Raymond Bailey, David Heddy, Dr. Joyce Jones, Kate Groetzinger, Mary Darden, Robert Darden).

RESPONSE 1: For many permits, potential impacts to human health and welfare or the environment are determined by comparing air dispersion modeling predicted emission concentrations from the proposed facility to appropriate state and federal standards and effects screening levels.^{1, 2, 3} The specific health-based standards or guidance levels employed in evaluating the potential emissions include the National Ambient Air Quality Standards

¹ See the document "Air Quality Modeling Guidelines" for details on air modeling at the TCEQ website at <http://www.tceq.state.tx.us/assets/public/permitting/air/Guidance/NewSourceReview/rg25.pdf>. Also visit the agency air modeling page at http://www.tceq.state.tx.us/permitting/air/nav/modeling_index.html.

² Documents referenced in this response that are available on the TCEQ website are also available in printed form at a small cost from the TCEQ Publications office at 512-239-0028.

(NAAQS); TCEQ standards contained in 30 Texas Administrative Code (30 TAC) § 112.3 and TCEQ Effect Screening Levels (ESLs).³

NAAQS are created by the United States Environmental Protection Agency (EPA) and are set to protect sensitive members of the population such as children, the elderly, and individuals with existing respiratory conditions. The NAAQS, as defined in the federal regulations (40 Code of Federal Regulations § 50.2), include both primary and secondary standards. The primary standards are those which the Administrator of the EPA determines are necessary, with an adequate margin of safety, to protect the public health, including sensitive members of the population such as children, the elderly, and individuals with existing lung or cardiovascular conditions. Secondary NAAQS are those which the Administrator determines are necessary to protect the public welfare and the environment, including animals, crops, vegetation, and buildings, from any known or anticipated adverse effects associated with the presence of an air contaminant in the ambient air. The standards are set for criteria pollutants: ozone, lead, carbon monoxide, sulfur dioxide, nitrogen dioxide, and respirable particulate matter (PM). "Criteria pollutants" are those pollutants for which a NAAQS has been established. The criteria pollutant emitted at this proposed facility is volatile organic compounds (VOCs) which are a precursor to the formation of ozone. Generally, an ozone analysis is not required for a site located in an ozone attainment area such as Waco unless the VOC emissions at the site exceed 100 tons-per-year (tpy). Therefore, since the Applicant's site is located in an ozone attainment area and the site will emit less than 12 tpy of VOCs, the contribution of VOC emissions and thus ozone formation from this site will be minimal.

For most permit applications, air dispersion modeling is performed. After a permit application's modeling review is complete, when necessary, the modeling results are then sent to the TCEQ's toxicology section to evaluate whether emissions from the proposed facility are expected to cause health or nuisance problems. The toxicology section reviews the results from air dispersion modeling by comparing those results to the TCEQ Effects Screening Levels (ESLs). ESLs are constituent-specific guideline concentrations used in TCEQ's effects evaluation of constituent concentrations in air. These guidelines are derived by the Toxicology Section and are based on a constituent's potential to cause adverse health effects, odor nuisances, and effects on vegetation. Health-based screening levels are set at levels lower than levels reported to produce adverse health effects, and as such are set to protect the general public, including sensitive subgroups such as children, the elderly, or people with existing respiratory conditions. Adverse health or welfare effects are not expected to occur if the air concentration of a constituent is below its ESL. If an air concentration of a constituent is above the screening level, it is not necessarily indicative that an adverse effect will occur, but rather that further evaluation is warranted. Generally, maximum concentrations predicted to occur at a sensitive receptor which are at or below the ESL would not be expected to cause adverse effects.

³ To view the ESL list or obtain more information on ESLs, visit the TCEQ website at http://www.tceq.state.tx.us/implementation/tox/esl/list_main.html.

For this specific permit application, appropriate air dispersion modeling and an impacts analysis were performed for every air contaminant emitted at the site. The likelihood of whether adverse health effects caused by emissions from the Applicant's facility could occur in members of the general public, including sensitive subgroups such as children, the elderly, or people with existing respiratory conditions, was determined by comparing the facility's predicted air dispersion computer modeling concentrations to the relevant state and federal standards and effects screening levels. The permit reviewer used modeling results to verify that predicted ground level concentrations of each contaminant from the proposed facility are not likely to adversely impact off-property receptors. TCEQ background concentrations from the geographic area surrounding the site or other appropriate background concentrations are added to the modeled concentrations when applicable. The overall evaluation process provides a conservative prediction that is protective of the public. The modeling predictions were reviewed by the TCEQ Air Permits Division, and the modeling analysis was determined to be acceptable.

In addition to complying with the federal and state standards and guidelines mentioned above, applicants must also comply with 30 TAC § 101.4, which prohibits nuisance conditions. Specifically the rule states, "No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." As long as the facility is operated in compliance with the terms of the permit, nuisance conditions or conditions of air pollution are not expected. According to the facility's maximum allowable⁴ emission rate table in the draft permit, the facility will emit approximately 11.23 tons per year of volatile organic compounds. These emissions are not expected to create nuisance conditions.

In summary, based on the potential concentrations reviewed by the Executive Director's staff, it is not expected that existing health conditions will worsen, or that there will be adverse health effects in the general public, sensitive subgroups, or animal life as a result of exposure to the expected levels of styrene, 2-butoxyethanol, nonylphenoxy polyethoxy ethanol, dimethyl glutarate, dimethyl succinate, and dimethyl adipate.

Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting the TCEQ Regional Office at 254-751-0335, or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. If the facility is found to be out of compliance with the terms and conditions of the permit, it will be subject to possible enforcement action. Citizen-collected evidence may be used in such an action. See 30 TAC § 70.4, Enforcement Action Using Information Provided by Private Individual, for details on gathering and reporting such evidence. The TCEQ has long had procedures in place for accepting environmental complaints

⁴ The term "allowable" means the maximum emission rate of a specific pollutant from a given source, as specified in the permit.

from the general public but now has a new tool for bringing potential environmental problems to light. Under the citizen-collected evidence program, individuals can provide information on possible violations of environmental law and the information can be used by the TCEQ to pursue enforcement. In this program, citizens can become involved and may eventually testify at a hearing or trial concerning the violation. For additional information, see the TCEQ publication, "Do You Want to Report an Environmental Problem? Do You Have Information or Evidence?" This booklet is available in English and Spanish from the TCEQ Publications office at 512-239-0028, and may be downloaded from the agency website at www.tceq.state.tx.us (under Publications, search for document no. 278).

COMMENT 2: Commenters request that the facility be located elsewhere, farther from residential areas. (Chris & Andy McSwain, Ron Henderson, R.E. Henderson and Co., Inc., Charlotte Henderson, Margie Abbott, Dr. Robert Grayson, Karina Deaver, John Lewis, Phillip Hering, Deedie Hering, Karen LiBassi, Michael LiBassi, Patricia & Raymond Bailey, David Heddy, Dr. Joyce Jones, Kate Groetzinger, Mary Darden, Robert Darden). The facility should be located away from one of the most traveled streets in Waco. (Kate Groetzinger).

RESPONSE 2: The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider facility location choices made by an applicant when determining whether to approve or deny a permit application, unless state law imposes specific distance limitations that are enforceable by the TCEQ. Zoning and land use are beyond the authority of the TCEQ for consideration when reviewing air quality permit applications and such issues should be directed to local officials. As set forth in Section 382.052 of the Texas Clean Air Act (TCAA), the TCEQ shall consider possible adverse health effects on individuals attending schools which are located within 3,000 feet of a facility or proposed facility. A protectiveness review must be conducted for all contaminants emitted. The maximum concentrations are evaluated at the property line, at the nearest off-property receptor, and at any schools located within 3,000 feet of the facilities. The site review indicated that there were two schools within 3,000 feet. St Alban's Memorial School (private school) is located approximately 2,200 feet from the property line of Waco Composites. Bell's Hill Elementary School (public school) is located approximately 2850 feet from the property line of Waco Composites. Since the impacts for all constituents that are to be emitted were below their corresponding ESL, no adverse impacts to human health and the environment are anticipated. The recommendation of the Waco Regional Office was to proceed with the permit review, and the site review indicated no reasons to deny the permit application.

COMMENT 3: Commenter is concerned that air emissions from the proposed facility would negatively impact the quality of life of residents. (Dr. Robert Grayson). Commenters are concerned that emissions from the proposed facility would interfere with outdoor activities. (Margie Abbott, Ron Henderson, Charlotte Henderson, Mary Darden). Commenters are concerned that air emissions from the proposed facility would negatively impact commenters' neighborhood. (Phillip Hering, Deedie Hering).

RESPONSE 3: In addition to protecting health, the NAAQS are also set to address welfare effects such as visibility reduction, crop damage, and material damage. Section 302(h) of the Federal Clean Air Act (FCAA) defines effects on welfare to include effects on soils, water, crops, vegetation, manmade materials, animals, wildlife, weather, visibility and climate, damage to and deterioration of property, hazards to transportation, and impacts to personal comfort and well-being, whether caused by transformation, conversion, or combination with other air pollutants. As stated in Response 1, the contribution of VOCs from the Applicant's facility to the atmosphere would be considered insignificant to the formation of ozone, a criteria pollutant for which a NAAQS has been established. Because the emissions from this facility should not cause an exceedance of the NAAQS, no impact to land, livestock, crops, or visibility is expected, nor should emissions interfere with the use and enjoyment of surrounding land. The Secondary NAAQS are set below levels which would be expected to cause nuisance conditions (dust accumulation, decreased visibility) or eye and throat irritation, and, therefore, should not impact the quality of life of those living near the proposed facility.

Furthermore, all facilities must comply with the Texas Clean Air Act (TCAA) and all TCEQ rules and regulations, including 30 TAC § 101.4, which prohibits a person from causing or maintaining a nuisance. Specifically the rule states, "No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." Based on the commission's experience regulating these types of facilities, they can be operated without causing a nuisance problem, provided the facilities are operated in compliance with the terms and conditions of the permit.

COMMENT 4: Commenters state that the facility should not be built. (Margie Abbott, Dr. Robert Grayson, Mary Darden). Commenters state that the permit should be denied. (Karen LiBassi, Michael LiBassi, David Heddy).

RESPONSE 4: According to the Texas Clean Air Act (TCAA) the TCEQ cannot deny a permit if the applicant demonstrates that all applicable statutes, rules, and regulations will be met. Special conditions and a maximum allowable emission rates table are created to establish federally enforceable guidelines for the operation of the facility. Air quality permit applications are evaluated to determine whether standards outlined in the TCAA and applicable state and federal rules and regulations are met. As part of the permit evaluation process, the permit reviewer identifies all sources of air contaminants at the proposed facility, assures that the facility will be using the best available control technology (BACT) applicable for the sources and types of contaminants emitted, and determines that no adverse effects to public health, general welfare, or physical property are expected to result from a facility's proposed emissions. The permit conditions are developed such that a facility that is operated within the terms and conditions of the permit should be able to operate in compliance with standards outlined in the TCAA and applicable state and federal rules and regulations.

COMMENT 5: Commenters instruct the Applicant to use the best technology to protect air quality. (Margie Abbott, Dr. Robert Grayson, Karen LiBassi, Michael LiBassi, Mary Darden). Commenters state that the air emissions from the facility should be limited. (David Heddy, Kate Groetzinger).

RESPONSE 5: The Texas Clean Air Act (TCAA) and TCEQ rules require an evaluation of air quality permit applications to determine whether adverse effects to public health, general welfare, or physical property are expected to result from a facility's proposed emissions. As part of the evaluation of applications for new or amended permits, the permit reviewer identifies all sources of air contaminants at the proposed facility and assures that the facility will be using the BACT applicable for the sources and types of contaminants emitted. The BACT is based upon control measures that are designed to minimize the level of emissions from specific sources at a facility. Applying BACT results in requiring technology that best controls air emissions with consideration given to the technical practicability and economic reasonableness of reducing or eliminating emissions. TCAA § 382.0518; 30 TAC § 116.111.

The Applicant has represented in the permit application that BACT will be used at the proposed site. Use of appropriate control measures will decrease the amount of air contaminants emitted into the atmosphere by this facility. The contaminants at this facility will be organic compounds including, but not limited to, styrene, 2-butoxyethanol, nonylphenoxy polyethoxy ethanol, dimethyl glutarate, dimethyl succinate, and dimethyl adipate. The primary control measures applied to this facility are: use of low styrene content resins, use of a resin bath which results in 100 percent transfer of resin to the fiberglass material and reduces VOC (styrene) emissions, and good housekeeping techniques (e.g., all resins and solvents not in use will be kept in closed containers, immediate cleanup of all spills).

COMMENT 6: Commenters are concerned that the wind would cause air emissions to negatively impact commenters' neighborhood. (Phillip Hering, Deedie Hering). Commenter is concerned that the wind would blow air emissions into commenter's yard and house. (Kate Groetzinger).

RESPONSE 6: The Waco Regional Office conducted a site review of the area on March 12, 2007. According to that site review, nuisance, odor, and hazard potentials were low. The permit application must meet standards outlined in the Texas Clean Air Act and applicable state and federal rules and regulations. Applicants must comply with 30 TAC § 101.4, which prohibits nuisance conditions. Specifically the rule states, "No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." As long as the facility is operated in compliance with the terms of the permit, nuisance conditions or conditions of air pollution are not expected. The TCEQ cannot deny authorization of a facility if a permit application demonstrates that all applicable statutes, rules, and regulations will be met.

COMMENT 7: Attempting to issue the permit through an accelerated approval process is insulting. (Kate Groetzinger).

RESPONSE 7: There is no accelerated review and approval process for this type of air permit application. This application has been pending with the TCEQ for more than 14 months whereas the normal permit processing time for a permit application of this type would be from six to nine months. Air quality permit applications are evaluated to determine whether standards outlined in the Texas Clean Air Act (TCAA) and applicable state and federal rules and regulations are met. As part of the permit evaluation process, the permit reviewer identifies all sources of air contaminants at the proposed facility, assures that the facility will be using the BACT applicable for the sources and types of contaminants emitted, and determines that no adverse effects to public health, general welfare, or physical property are expected to result from a facility's proposed emissions. The TCEQ cannot deny a permit if the applicant demonstrates that all applicable statutes, rules, and regulations will be met. Special conditions and a maximum allowable emission rates table are created to establish federally enforceable guidelines for the operation of the facility. The permit conditions are developed such that a facility that is operated within the terms and conditions of the permit should be able to operate in compliance with standards outlined in the TCAA and applicable state and federal rules and regulations.

CHANGES MADE IN RESPONSE TO COMMENT

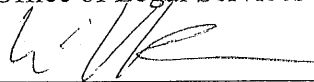
No changes to the draft permit have been made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

Glenn Shankle
Executive Director

Stephanie Bergeron Perdue, Deputy Director
Office of Legal Services



Tim Eubank, Staff Attorney
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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY